UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,296	07/31/2003	Edward E. Kelley	FIS920030056US1	5054

29371   7590   12/12/2007
CANTOR COLBURN LLP - IBM FISHKILL
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

EXAMINER
LOUIE, WAE LENNY

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/632,296	KELLEY ET AL.
	Examiner	Art Unit	
	Wae Lenny Louie	3661	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 September 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-10,12-19 and 35</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-10, 12-19 and 35</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>31 July 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed September 21, 2007, have been fully considered but

they are not persuasive. In the remarks filed, applicant argued the following:

"Knockeart discloses techniques for using a removable device such as a PDA, in

conjunction with a driver information system. The removable device is brought to a

vehicle and data in the removable device is transferred to the vehicle. However

Knockeart fails to teach or suggest the removable device providing instructions to the

vehicle. Moreover, Knockeart fails to teach or suggest a portable agenda replication

device instructing a vehicle navigation system to use an agenda to determine a route to

follow to the destination based upon a requested time of arrival as set forth in Applicants

claims 1, 9, and 35." Examiner disagrees. Knockeart clearly teaches the transmission

of data from the portable device to the vehicle navigation system (col.8, lines 61-67;

col.9, lines 1-15). As for the requested time of arrival, Knockeart discloses the "client

application selects and downloads travel-related information that is associated with the

specific itinerary" (col.10, lines 50-55). It would have been obvious to one of ordinary

skill in the art to include the requested time of arrival information with the travel-related

information associated with a specific itinerary as taught by Knockeart since travel-

related data encompasses arrival information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10, 12-19 and 35 rejected under 35 U.S.C. 103(a) as being

unpatentable over Knockeart et al (6,622,083).

Regarding applicant claim 1 and 9, Knockeart et al discloses a portable agenda

replication device for transferring information to a vehicle navigation system, the

portable agenda replication device including: An input mechanism for accepting entry of

an agenda comprising a destination (col.10, lines 50-55, "client application selects and

downloads travel-related information that is associated with the specific itinerary"); a

storage mechanism, operatively coupled to the input mechanism for storing the agenda

(col.5, lines 1-10); a processing mechanism operatively coupled to the storage

mechanism for retrieving the agenda from the storage mechanism, for transmitting the

retrieved agenda to the vehicle navigation system and for instructing the vehicle

navigation system to use the agenda to determine a route to follow to the destination

based upon the requested time of arrival (col.8, lines 61-67; col.9, lines 1-15).

Knockeart is silent concerning an input mechanism for accepting entry of an agenda

comprising a requested time of arrival at the destination. Knockeart discloses the "client

application selects and downloads travel-related information that is associated with the

specific itinerary" (col.10, lines 50-55). It would have been obvious to one of ordinary

skill in the art to include the requested time of arrival information with the travel-related

information associated with a specific itinerary as taught by Knockeart since travel-

related data encompasses arrival information.

Regarding applicant claim 2, Knockeart teaches the storage mechanism stores

personal agenda information including at least a first desired destination and a second

desired destination (col.8, lines 61-67); and the processing mechanism upon receipt of

a user-initiated command at the input mechanism, transfers the personal agenda

information including the first and second desired destination to the vehicle navigation

system (col.9, lines 4-10, lines 60-67).

Regarding applicant claim 3, Knockeart teaches a visual display associated with

the storage mechanism and operable for viewing at least some of the personal agenda

information stored in the storage mechanism (col.7, lines 63-67). Furthermore,

Knockeart teaches allowing the user to select a desired destination (col.9, lines 23-27),

Including selection means operable by the user for selectively point to portions of

personal travel agenda information which would have been well known in graphical user

interface display. It would have been obvious to one of ordinary skill in the art to include

the well-known pointing devices to the system of Knockeart because including the user

pointing device are known to be necessary in order to facilitate selection of certain item

displayed on the display device.

Regarding applicant claim 4, including a program component for confirming

transmission of data that constitutes the personal agenda information to the vehicle

navigation system would have been well known and obvious. One of ordinary skill in

the art would have found it obvious to include the old and well known program for

confirming transmission of data to the system of Knockeart because including a

program for confirming correct transmission of data are known to ensure accurate

transmission of data between two separate systems.

Regarding applicant claim 5, Knockeart teaches a component for transferring

personal agenda information resident in the vehicle navigation system to the portable

agenda replication device (col.10, lines 1-18).

Regarding applicant claim 6 and 13, Knockeart teaches a plurality of desired

destinations to which a user desires to travel (col.9, lines 60-67; col.10, lines 36-41,

lines 49-56) and a plurality of personal selections (col.10, lines 61-67). Furthermore,

including information about a sequence in which the user wishes to travel to the desired

destinations, information about desired time of arrival at each desired destination; and

including desired date of departure, desired time of departure, cell phone preference,

scenic route preference, toll road preference and express route preference in the user

preference data would have been well known and obvious matter of design choice.

One of ordinary skill in the art would have found it obvious to include the old and well

known sequence of destinations in which the user need to travel and the preferences

information such as the desired date of departure, the toll road preferences, etc.

because including the information are known to be desirable for preparing travel plan

before a journey.

Regarding applicant claim 7, including a program component for providing means

to access an electronic calendar system including a list of planned appointments, for

specifying appointments that are to be replicated in an agenda table for later transfer to

the vehicle navigation system by the portable agenda replication device; and for

specifying transfer at least selected entries of personal agenda information to the

vehicle navigation system. It would have been obvious to one of ordinary skill in the art

to include the electronic calendar systems because they are well-known and are

commonly found on portable devices like those of Knockeart's.

Regarding applicant claim 8, including the agenda table having fields operable to

be loaded with descriptors that identify desired destinations to which a user desires to

travel, desired times of arrival associated with each desired destination, and at least one

other item of personal travel agenda information associated with desired destinations

would have been well known features included in navigation devices available

nowadays. One of ordinary skill in the art would have found it obvious to include the old

and well known features to the navigation device of Knockeart because including the

features in the navigation device allow accurate selection of optimal route in the

navigation system.

Regarding applicant claim 10, Knockeart teaches transferring personal agenda

information from the portable device to the vehicle navigation system (col.8, lines 61-67;

col.9, lines 1-10). Storing data in a travel agenda table information the data table with

the data transferred from the portable device taught by Knockeart would have been well

known and obvious. One of ordinary skill in the art would have found it obvious to store

data in an agenda table and to update the data table with the data transmitted from the

portable device of Knockeart because updating the table are known to be necessary to allow the user to arrange various travel agenda and to save memory usage.

Regarding applicant claim 12, Knockeart teaches the vehicle navigation system is installed in a specific automotive vehicle. Furthermore, providing instruction, the vehicle navigation system is instructed to perform route-planning for reaching destination from a current location of the vehicle as determined by the vehicle navigation system have been well known and obvious. One of ordinary skill in the art would have found it obvious to provide the navigation instruction for performing route planning or advising the navigation system to perform route planning from the current location determined by the vehicle navigation system because including instruction for the navigation system to provide route planning are known to be necessary in order for the user to command route planning from the portable device when the task for determining route planning is at the on-board vehicle.

Regarding applicant claim 13, refer to claim 6 above.

Regarding applicant claim 14, refer to claim 3 above.

Regarding applicant claim 15, allowing viewing of first portion of a planned route between a current location and the destination have been well known and obvious in currently available navigation devices. One of ordinary skill in the art would have found it obvious to allow viewing of the first portion of the planned route from the current location to the destination because including displaying first segment of the planned route are known to be necessary to provide the user step by step maneuver and navigation when he travels along the planned route.

Regarding applicant 16, refer to claims 1, 4, 6, 13 above. Furthermore, associating the personal preferences such as desired departure time with a second destination would have been well known and obvious matter of design choice. One of ordinary skill in the art would have found it obvious to include the old and well known features stated above to the system of Knockeart because associating the personal preferences to each destination and gather the data to a memory device are knokwn to be desirable in order to provide travel plan that is most suitable to the user and to facilitate data transmission.

Regarding applicant 17, Knockeart teaches a wireless communications link (col.7, lines 1-9). Furthermore, including at least one of a short-range optical connection between a first transmitter receiver associated with the portable agenda replication device and a second transmitter receiver associated with the vehicle navigation system or a wireless connection between a first RF transmitter receiver associated with the portable agenda replication device and a second RF transmitter receiver associated with the vehicle navigation system is well known and obvious matter of design choice. One of ordinary skill in the art would have found it obvious to include the old and well known features stated above to the system of Knockeart because wireless communication link would include a transmitter receiver.

Regarding applicant 18, Knockeart teaches a short range low power communications link (col.7, lines 6-9).

Regarding applicant 19, since Knockeart teaches a portable PDA or laptop computer system (col.6, lines 38-50) and since such the device are well known to be

powered by battery and to be light weight, Knockeart obviously encompasses the

claimed limitation.

Regarding applicant claim 35, refer to claims 9 and 6 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Wae Lenny Louie whose telephone number is 571-272-

5195. The examiner can normally be reached on M-F 0700-1530.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WLL

THOMAS BLACK
SUPERVISORY PATENT EXAMINER